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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,665	12/28/2001	Nehal Dantwala	US010669	1803

24737 7590 10/05/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

HARVEY, DAVID E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/034,665	Applicant(s) DANTWALA	
	Examiner DAVID E HARVEY	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/28/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The examiner notes the following:

a) That the instant specification was filed with only one figure (e.g. figure 1);

b) That the one figure of the instant specification pertains to the "prior art" and not to the alleged invention (SEE: paragraph 0008 of the instant specification); and

c) That the pending claims admit of an illustration in that they are drafted in the form of method claims having discrete sequences of steps; i.e. such can easily be illustrated via a flowchart.

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2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "methods" having the "steps" that are recited in claims 1-10 must be shown or these feature(s) canceled from the claim(s) [note paragraph 1 of this Office Action]. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The instant written description describes a mathematical equation/"algorithm" which can be programmed into a computer and used to calculate an "objective sharpness quality score" for a given set of variables entered therein wherein, as described, said variables can be derived from the processing of "real-world" quantities/signals [SEE: paragraph 0032 of the instant description]. However the pending claims, as currently drafted, appear to be directed to the mathematical algorithm itself and do not appear to be recite steps for deriving the variables from the real-world quantities/signals; i.e. the claims do not recite:

a) Steps in which real-world image signals are received and/or processed by the disclosed/recited algorithm;

b) Steps in which a physical transformation results outside of the "computer" which is performing the disclosed/recited algorithm;

c) etc,...

That is the pending claims, as currently drafted, do not appear to fall within any of the "Safe Harbors" that are discussed in accordance with the guidelines set forth in section 2106 of the MPEP.

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4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-10 are rejected under 35 U.S.C. 101 because, as currently recited, they are directed to non-statutory subject matter [SEE: paragraph 3 of this Office Action].

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6. The following references have been cited:

a) Kuwata et al. [EP 1,365,355] has been cited because it illustrates an automated edge enhancement system. While this reference itself is not "prior art", it claims priority back to Japanese document #JP 14405997 which was filed 2/6/1997.

b) Kenji [JP 59-040756] has been cited because it describes a system which detects picture quality based on one and two dimensional coding and signal transitions.

c) Inou [US # 6,097,847] has been cited because it calculates a sharpness value (S) for incoming video sequences;

d) Akiyama et al. [US #5,272,533] has been cited because it shows a system which generated an image quality control signal for controlling image quality;

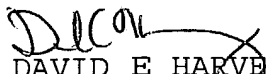
e) Apostolopoulos et al. [US #5,850,294] has been cited because it shows a system for filtering video signals based on true and false/non edges.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E HARVEY whose telephone number is (703) 305-4365. The examiner can normally be reached on M-F from 6AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID E HARVEY
Primary Examiner
Art Unit 2614

DEH